

# **DISPUTE RESOLUTION SERVICE**

**D00017707**

**Decision of Independent Expert  
(Summary Decision)**

**Yarlington Housing Group**

and

**Inspired to Achieve**

## **1. The Parties:**

Complainant: Yarlington Housing Group  
Yarlington Housing Group  
Lupin Way  
Yeovil  
Somerset  
BA228WN  
United Kingdom

Respondent: Inspired to Achieve  
58 Moorlands Park  
Martock  
Somerset  
TA12 6DW  
United Kingdom

## **2. The Domain Name:**

inspiredtoachieve.co.uk

### 3. Notification of Complaint

I hereby certify that I am satisfied that Nominet has sent the complaint to the Respondent in accordance with paragraphs 2 and 4 of the Procedure.

Yes  No

### 4. Rights

The Complainant has, to my reasonable satisfaction, shown rights in respect of a name or mark which is identical or similar to the domain name.

Yes  No

### 5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name [inspiretoachieve.co.uk](http://inspiretoachieve.co.uk) is an abusive registration

Yes  No

### 6. Other Factors

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances

Yes  No

### 7. Comments (optional)

In deciding this Complaint I have made no judgment about the relative merits of either party's position. I have however decided this case simply on the basis that I do not think it is a suitable one for Nominet's DRS.

By way of brief explanation, this Complaint is based on a Share Purchase Agreement ("the SPA"). Under the SPA the Complainant purchased the shares in a company called Inspire to Achieve Limited ("the Target") from its two shareholders. The only reference to the Domain Name in the SPA is a reference to the Target i.e. Inspire to Achieve Limited being the owner of the Domain Name.

As far as I can tell from the Complaint, and from the Nominet Whois look up, the current situation is that the Domain Name is in the name of the Target i.e. Inspire to Achieve but that both the Domain Name and the website at [www.inspiretoachieve.co.uk](http://www.inspiretoachieve.co.uk) remains controlled by the previous shareholders i.e. the sellers under the SPA.

While it is clear from Nominet's Policy that Rights can include contractual Rights, it is the generally held view amongst Nominet's Experts that Nominet's DRS was not designed to deal with contractual disputes which are best left to the Courts to resolve. One of the reasons for this is that contractual disputes will often throw up a number of issues which are simply not suitable for determination under Nominet's DRS and will often require remedies which are not available under Nominet's DRS. In this case, by way of example, it seems to me that any dispute would be between the Complainant and the two sellers whereas the Respondent to this DRS Complaint is Inspired to Achieve. I am also conscious that this dispute relates to control of the website to which the Domain Name is pointed and again, this is not something which Nominet's DRS was designed to deal with.

## **8. Decision**

I refuse the Complainant's application for a summary decision. The domain name registration will therefore remain with the Respondent.

Signed: Nick Phillips

Dated: 7 September 2016